

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS CASH 1	DEFENDANTS ERIC DANIEL SULLIVAN	
ATTORNEYS (Firm Name, Address, and Telephone No.) THE LAW OFFICE OF JENNIFER MCCOY 707 MAIN STREET, #126, NASHVILLE, TN 37206 615-500-8577	ATTORNEYS (If Known) ROEHRIG AND ASSOCIATES 115 PUBLIC SQUARE, GALLATIN, TN 37066 615-452-9400	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Debtor reported his title as lost with the State of Tennessee Department of Revenue Vehicle Services Division on the same day he provided the title to Plaintiff as security for a loan, rendering this debt nondischargeable under 11 U.S.C. § 523(a)(2)(A).		
NATURE OF SUIT		
(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other		
FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other		
FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property		
FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other		
FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)		
FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest		
FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)		
FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment		
FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation		
FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause		
FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)		
Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa et seq. <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)		
<input type="checkbox"/> Check if this case involves a substantive issue of state law <input type="checkbox"/> Check if a jury trial is demanded in complaint		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 Demand \$3,000.00
Other Relief Sought		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR ERIC DANIEL SULLIVAN	BANKRUPTCY CASE NO. 19-04363	
DISTRICT IN WHICH CASE IS PENDING MIDDLE DISTRICT OF TENNESSEE	DIVISION OFFICE COOKEVILLE	NAME OF JUDGE HARRISON
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE 08/21/2019	PRINT NAME OF ATTORNEY (OR PLAINTIFF) TREVOR BASKIN	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

In re)	Petition No. 2:19-bk-04363
)	Chapter 7
ERIC DANIEL SULLIVAN,)	
)	
)	
Debtor.)	
)	
<hr/>		
CASH 1)	Adv. Pro. No.
)	
Petitioner,)	
)	
v.)	
ERIC DANIEL SULLIVAN)	
)	
Respondent.)	

COMPLAINT IN OBJECTION TO DISCHARGE

COMES NOW Cash 1, creditor and party in interest (hereinafter “Petitioner”), pursuant to 11 USC 523 and Bankr. R. P. 7001, and hereby submits this, his Complaint in Objection to Discharge as to Eric Daniel Sullivan (hereinafter “Debtor”). As grounds for this Complaint, Petitioner will show this honorable court the following:

1. This Court has jurisdiction over this adversary proceeding pursuant to 28 USC 1334. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409(a). This is a core proceeding under 28 U.S.C. § 157(b), involving a determination as to the dischargeability of a particular indebtedness of the Debtor.

2. On May 6, 2019, Debtor applied for, and received, a loan in the amount of \$1,400.00 with Petitioner, to be secured with the title to Debtor’s vehicle. Debtor supplied Title 15600010709 for a 2006 Dodge 1500, attached hereto as Exhibit A.

3. On May 14, 2019, Petitioner received a letter, attached hereto as **Exhibit B**, from the State of Tennessee Department of Revenue Vehicle Services Division stating that Title 15600010709, which Debtor had supplied Petitioner to secure its loan, was not the most recent title to the vehicle. Debtor applied for a lost title on May 6, 2019 (the same day Debtor applied for a loan with Petitioner) and was issued Title 15600011039. This action voided the title submitted to Petitioner by Debtor. Petitioner has not yet received Title 15600011039 from the Debtor as of the time of this filing.

4. The crux of Petitioner's claim is that Debtor falsely represented to the State of Tennessee Department of Revenue Vehicle Services Division that he had lost Title 15600010709, Debtor did this in order to prevent Petitioner from having a valid security interest in the vehicle. Further, Debtor did so knowing that Petitioner had relied on this security interest when it issued a loan to Debtor of \$1,400.00.

5. The funds received by Debtor in the amount of \$1,400.00 were obtained by fraudulent means and should not be subject to discharge.

COUNT I – EXCEPTION TO DISCHARGE - § 523(a)(2)(A)

6. Petitioner hereby re-asserts the allegations contained in the preceding paragraphs of this Complaint.

7. Upon information and belief, Debtor intentionally or willfully applied for a lost title with the State of Tennessee Department of Revenue Vehicle Services Division to prevent Petitioner from having the security interest it had bargained with Debtor to receive.

8. The action of applying for a lost title with the State of Tennessee Department of Revenue Vehicle Services Division immediately after giving the title to Petitioner to secure a loan constitutes fraud.

9. Petitioner is entitled to a determination that the damages and debt arising from the

allegations in its Judgment, of which constitute a non-dischargeable debt and is excepted from discharge under 11 U.S.C. § 523(a)(2)(A).

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for an order and judgment of this court in their favor and against Debtor, Eric Sullivan, excepting such debt, claims, and any judgment or other relief rendered or awarded in connection therewith, from discharge, and for such other and further relief as may be appropriate.

Respectfully submitted,

/s/ Jennifer J. McCoy
Jennifer J. McCoy, TN Bar No. 026875
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to those parties specifically requesting electronic service, on this August 20, 2019.

/s/Jennifer McCoy